

Remarks and Arguments

Claims 1-46 have been presented for examination. Claims 1-3, 5-11, 14-16, 27-29, 39 and 41-43 have been amended. Claim 40 has been canceled.

Claim 40 has been rejected under 35 U.S.C. §101 as drawn to non-statutory subject matter because the claims recite a “carrier wave” that cannot be placed in a statutory category of invention and is not tangibly embodied. In response, claim 40 has been canceled thereby rendering the rejection moot.

Claims 1-46 have been rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,816,596 (Peinado.) The examiner comments that the Peinado patent discloses all of the claimed limitations.

The present invention relates to peer-to-peer collaboration systems which can communicate content between the participants directly rather than by means of a web server or by meeting at a centralized web site. A central administration is not necessary to run these systems which makes it difficult for administrators to monitor usage of such systems in order to improve the services. Since there is no central location with which all users must interact, there is also no central authority to track usage of enterprise computing resources although there is a legitimate interest to do so. Accordingly, there is a need to monitor and enforce licensing restrictions and payment terms that apply to the software used in the systems. The monitoring must also be performed without violating the privacy of the collaborators.

The invention deals with these problems by associating a management server with the peer-to-peer collaboration system. Upon an initial request by a user to the management server, the management server downloads a definition file to the user's software that associates the management server with that user. The management server can thereafter manage the user's software without further user request. however, the management server is not involved in the communication of collaborative information between the participants of the peer-to-peer collaboration system, nor does it access data within the shared spaces.

In contrast, the Peinado patent discloses a digital rights management (DRM) system that is designed to control access to digital content downloaded from a content server. It uses a “black box” technique in which the first time a user requests access to

content, a block box is downloaded from a security server. This block box contains a key necessary to decrypt content that is downloaded in encrypted form. When content is later requested, a license is downloaded before the content which is encrypted. The license then causes the block box to decrypt the encrypted content.

However, the Peinado patent has nothing to do with peer-to-peer collaboration systems and these are not mentioned in the patent. Thus, it is not concerned with associating a management server with such a system. The Peinado black box will be downloaded to any user that requests it.

The claims has been amended to emphasize this distinction. For example, claim 1 has been amended to recite, in lines 6-9, "using client software operating in devices to connect a first user having an identity to a second user having an identity in a shared private space without the assistance of a server so that collaborative information is sent directly between the first and second users without an intervening server..." The Peinado patent clearly does not disclose such client software since it is not addressed to peer-to-peer collaborative systems. Consequently, amended claim 1 patentably distinguishes over the cited reference.

Claims 2-13 are dependent, either directly or indirectly, on amended claim 1 and incorporate the limitations thereof. Therefore, they distinguish over the Peinado patent in the same manner as amended claim 1. Claims 2 and 3 have been amended to correct a minor antecedent problem. Claims 5-11 have been amended to conform them to the addition of a new paragraph (a) in claim 1.

The other independent claims 14, 27 and 41 have been amended in a similar manner to claim 1 and distinguish over the cited reference in the same manner as amended claim 1.

Claims 15-26 are dependent, either directly or indirectly, on amended claim 14 and incorporate the limitations thereof. Therefore, they distinguish over the Peinado patent in the same manner as amended claim 14. Claims 15 and 16 have been amended to correct a minor antecedent problem.

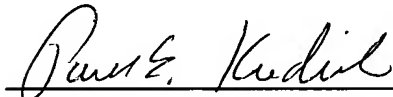
Claims 28-39 are dependent, either directly or indirectly, on amended claim 27 and incorporate the limitations thereof. Therefore, they distinguish over the Peinado patent in the same manner as amended claim 27. Claims 28 and 29 have been

amended to correct a minor antecedent problem. In addition, claim 39 has been amended to correct a minor typographical error.

Claims 42-46 are dependent, either directly or indirectly, on amended claim 41 and incorporate the limitations thereof. Therefore, they distinguish over the Peinado patent in the same manner as amended claim 41. Claims 42 and 43 have been amended to correct a minor antecedent problem.

In light of the forgoing amendments and remarks, this application is now believed in condition for allowance and a notice of allowance is earnestly solicited. If the examiner has any further questions regarding this amendment, she is invited to call applicants' attorney at the number listed below. The examiner is hereby authorized to charge any fees or direct any payment under 37 C.F.R. §§1.17, 1.16 to Deposit Account number 02-3038.

Respectfully submitted



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